

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GERALD L. HOLMES, (01)  
a/k/a "Jerry"  
a/k/a "Joker"  
[DOB: 11/09/1991]

RANDAL G. HOLMES, (02)  
a/k/a "Peckerwood"  
a/k/a "Wood"  
[DOB: 07/31/1964]

RICHARD M. PHOENIX, (03)  
a/k/a "Snake"  
[DOB: 01/03/1942]

MICHAEL C. BORRUSCH, (04)  
a/k/a "Birdie"  
[DOB: 12/30/1975]

and

JEREMY R. BOND, (05)  
[DOB: 06/19/1978]

Defendants.

Defendant Charged Counts Summary:

**GERALD L. HOLMES:** Counts 1, 2, 3, 5, 6,  
and 7

**RANDAL G. HOLMES:** Counts 1, 2, 3, 4, 6,  
and 7

**RICHARD M. PHOENIX:** Counts 1, 2 and 3

Case No. 17-00275-01/05-CR-W-DGK

**COUNT ONE:**

***(Conspiracy to Commit Kidnapping)***

18 U.S.C. §§ 1201(a)(1) and (c)

NMT: Life Imprisonment

NMT: \$250,000 Fine

NMT: Five Years Supervised Release  
Class A Felony

**COUNT TWO:**

***(Kidnapping)***

18 U.S.C. §§ 1201(a)(1) and 2

NMT: Life Imprisonment

NMT: \$250,000 Fine

NMT: Five Years Supervised Release  
Class A Felony

**COUNT THREE:**

***(Possession of a Firearm in Furtherance of a  
Crime of Violence)***

18 U.S.C. §§ 924(c)(1)(A)(ii) and 2

NLT: Seven Years Imprisonment (Consecutive)

NMT: Life Imprisonment (Consecutive)

NMT: \$250,000 Fine

NMT: Five Years Supervised Release  
Class A Felony

**COUNTS FOUR and FIVE:**

***(Unlawful Drug User in Possession of a  
Firearm)***

18 U.S.C. §§ 922(g)(3) and 924(a)(2)

NMT: Ten Years Imprisonment

NMT: \$250,000 Fine

NMT: Three Years Supervised Release  
Class C Felony

**MICHAEL C. BORRUSCH:** Count 6

**JEREMY R. BOND:** Count 6

**COUNT SIX:**

***(Conspiracy to Distribute a Controlled Substance)***

21 U.S.C. §§ 841(a)(1), (b)(1)(C) and 846

NMT: Twenty Years Imprisonment

NMT: \$1,000,000 Fine

NLT: Three Years Supervised Release

Class C Felony

**COUNT SEVEN:**

***(Possession of a Firearm in Furtherance of a Drug Trafficking Crime)***

18 U.S.C. §§ 924(c)(1)(A)(ii) and 2

NLT: Seven Years Imprisonment (Consecutive)

NMT: Life Imprisonment (Consecutive)

NMT: \$250,000 Fine

NMT: Five Years Supervised Release

Class A Felony

Plus \$100 Special Assessment for each Count

**SECOND SUPERSEDING INDICTMENT**

**THE GRAND JURY CHARGES THAT:**

**COUNT ONE**

***Conspiracy to Commit Kidnapping***

On or between September 12, 2016, and September 13, 2016, in the Western District of Missouri, defendants GERALD L. HOLMES, a/k/a “Jerry,” a/k/a “Joker,” RANDAL G. HOLMES, a/k/a “Peckerwood,” a/k/a “Wood” and RICHARD M. PHOENIX, a/k/a “Snake,” did voluntarily and intentionally combine, conspire, confederate, and agree with each other and others, to unlawfully seize, confine, inveigle, decoy, kidnap, abduct, and carry away and hold for ransom, reward, and otherwise assault, maim, harm and intend to kill the victim C.H., and in committing or in furtherance of the commission of the offense, used telephones, cellular phones, motor vehicles and firearms,

which are means, facilities, and instrumentalities of interstate or foreign commerce, contrary to the provisions of Title 18, United States Code, Sections 1201(a)(1) and (c).

### **Overt Acts**

In furtherance of the conspiracy to commit kidnapping, the defendants, GERALD L. HOLMES, a/k/a “Jerry,” a/k/a “Joker,” RANDAL G. HOLMES, a/k/a “Peckerwood,” a/k/a “Wood” and RICHARD M. PHOENIX, a/k/a “Snake” committed and caused to be committed the following overt acts, among others, on or between September 12, 2016, and September 13, 2016, in the Western District of Missouri and elsewhere:

1. On or about September 12, 2016, GERALD L. HOLMES and RANDAL G. HOLMES arrived at the residence of W.H., father of victim, C.H., in Independence, Jackson County, Missouri;
2. GERALD L. HOLMES and RANDAL G. HOLMES told W.H. that they needed to speak with C.H. regarding money intended for the purchase of marijuana they claimed C.H. had taken from GERALD L. HOLMES;
3. During their conversation, GERALD L. HOLMES removed a firearm from his waistband and placed it on a table in front of W.H.;
4. RANDAL G. HOLMES instructed W.H. to call C.H. and to tell him that W.H. was being held at gunpoint and that C.H. needed to come to the residence right away;
5. When C.H. arrived at the residence, RANDAL G. HOLMES pointed a firearm at C.H. and told C.H. to get into RANDAL G. HOLMES’s vehicle;
6. While in the vehicle, GERALD L. HOLMES struck, punched and choked C.H. as RANDAL G. HOLMES drove away;
7. RANDAL G. HOLMES and GERALD L. HOLMES drove C.H. to RANDAL G. HOLMES’s residence in Kansas City, Jackson County, Missouri;
8. Upon arrival at RANDAL G. HOLMES’S residence, they met RICHARD M. PHOENIX;

9. C.H. was taken to the basement of the residence by RANDAL G. HOLMES, GERALD L. HOLMES and PHOENIX;
10. Once in the basement, GERALD L. HOLMES continued to assault C.H. with fists, a hammer and tin snips/clippers;
11. During the assault, RANDAL G. HOLMES repeatedly demanded that C.H. disclose where the duffle bag containing the money was located;
12. When RANDAL G. HOLMES and GERALD L. HOLMES later left the basement to retrieve the duffle bag, RANDAL G. HOLMES handed PHOENIX a firearm and told PHOENIX to shoot C.H. if he attempted move off a desk he had been placed on in the basement during the assault;
13. PHOENIX held C.H. at gunpoint until RANDAL G. HOLMES and GERALD L. HOLMES returned to the residence;
14. RANDAL G. HOLMES and GERALD L. HOLMES later drove C.H. to the residence of J.R.B. in rural Edwards, Benton County, Missouri;
15. As RANDAL G. HOLMES drove them to J.R.B.'s residence, GERALD L. HOLMES continued to strike C.H. with fists and the butt of a firearm;
16. While at J.R.B.'s residence, C.H. was told to call his father, W.H., and to tell him that he was okay, that he had taken a beating, but was okay, that he would be home in a couple of days and that he deserved what had happened.

All in violation of Title 18, United States Code, Section 1201(c).

**COUNT TWO**  
***Kidnapping***

On or between September 12, 2016, and September 13, 2016, in the Western District of Missouri, defendants GERALD L. HOLMES, a/k/a "Jerry," a/k/a "Joker," RANDAL G. HOLMES, a/k/a "Peckerwood," a/k/a "Wood" and RICHARD M. PHOENIX, a/k/a "Snake," aiding and abetting each other and others, did unlawfully seize, confine, inveigle, decoy, kidnap, abduct, and carry away and hold for ransom, reward, and otherwise assault, maim, harm and intend to kill the victim C.H., and in committing or in furtherance of the commission of the offense, used telephones,

cellular phones, motor vehicles and firearms, which are means, facilities, and instrumentalities of interstate or foreign commerce, contrary to the provisions of Title 18, United States Code, Section 1201(a)(1) and Title 18, United States Code, Section 2.

### **COUNT THREE**

#### ***Possession of a Firearm in Furtherance of a Crime of Violence***

On or between September 12, 2016, and September 13, 2016, in the Western District of Missouri, defendants GERALD L. HOLMES, a/k/a “Jerry,” a/k/a “Joker,” RANDAL G. HOLMES, a/k/a “Peckerwood,” a/k/a “Wood” and RICHARD M. PHOENIX, a/k/a “Snake,” aiding and abetting each other and others, in furtherance of a crime of violence, that is, conspiracy to commit kidnapping and kidnapping, as charged in Counts One and Two, did knowingly possess and brandish firearms, to wit: a Jimenez Arms, Model JA Nine, 9mm caliber pistol, Serial Number 250760, a Hi Point, Model C9, 9mm caliber pistol, Serial Number P1424768, and another unknown caliber pistol, contrary to the provisions of Title 18, United States Code, Section 924(c)(1)(A)(ii) and Title 18, United States Code, Section 2.

### **COUNT FOUR**

#### ***Unlawful Drug User in Possession of a Firearm***

On or between September 12, 2016, and September 13, 2016, in the Western District of Missouri, defendant RANDAL G. HOLMES, a/k/a “Peckerwood,” a/k/a “Wood”, then being an unlawful user of a controlled substance, did knowing possess, in and affecting commerce, firearms, to wit: a Jimenez Arms, Model JA Nine, 9mm caliber pistol, Serial Number 250760, and a Heritage Manufacturing, Model Rough Rider, .22 caliber revolver, Serial Number C19486, all of which had been transported in interstate commerce, contrary to the provisions of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

**COUNT FIVE**  
***Unlawful Drug User in Possession of a Firearm***

On or between September 12, 2016, and September 13, 2016, in the Western District of Missouri, defendant GERALD L. HOLMES, a/k/a “Jerry,” a/k/a “Joker,” then being an unlawful user of a controlled substance, did knowingly possess, in and affecting commerce, firearms, to wit: a FN Herstal, Model FNX-40, .40 caliber pistol, Serial Number FX2U018779, a Remington, Model 770, .270 caliber rifle, Serial Number M71841265, a RG, Model RG23, .22 caliber revolver, Serial Number T498046, a Ruger, Model 10/22, .22 caliber rifle, Serial Number 821-51424 and a Mossberg, Model 500C, .20 gauge shotgun, Serial Number P527198, all of which had been transported in interstate commerce, contrary to the provisions of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

**COUNT SIX**  
***Conspiracy to Distribute a Controlled Substance***

On or between May 1, 2016, and September 13, 2016, in the Western District of Missouri, defendants GERALD L. HOLMES, a/k/a “Jerry,” a/k/a “Joker,” RANDAL G. HOLMES, a/k/a “Peckerwood,” a/k/a “Wood”, MICHAEL C. BORRUSCH, a/k/a “Birdie” and JEREMY R. BOND, did knowingly and intentionally combine, conspire, confederate and agree with each other and others, known and unknown to the grand jury, to distribute 50 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1), (b)(1)(C) and 846.

**COUNT SEVEN**

***Possession of a Firearm in Furtherance of a Drug Trafficking Crime***

On or between May 1, 2016, and September 13, 2016, in the Western District of Missouri, defendants GERALD L. HOLMES, a/k/a “Jerry,” a/k/a “Joker,” and RANDAL G. HOLMES, a/k/a “Peckerwood,” a/k/a “Wood,” aiding and abetting each other and others, in furtherance of a drug trafficking crime, that is, conspiracy to distribute 50 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, as charged in Count Six, did knowingly possess and brandish firearms, to wit: a Jimenez Arms, Model JA Nine, 9mm caliber pistol, Serial Number 250760; a Hi Point, Model C9, 9mm caliber pistol, Serial Number P1424768; an unknown caliber pistol; a FN Herstal, Model FNX-40, .40 caliber pistol, Serial Number FX2U018779; a Remington, Model 770, .270 caliber rifle, Serial Number M71841265; a RG, Model RG23, .22 caliber revolver, Serial Number T498046; a Ruger, Model 10/22, .22 caliber rifle, Serial Number 821-51424; and a Mossberg, Model 500C, .20 gauge shotgun, Serial Number P527198, contrary to the provisions of Title 18, United States Code, Section 924(c)(1)(A)(ii) and Title 18, United States Code, Section 2.

A TRUE BILL.

\_\_\_\_\_  
5/24/18  
DATE

\_\_\_\_\_  
/s/ Jennifer L. Kolarik  
FOREPERSON OF THE GRAND JURY

\_\_\_\_\_  
/s/ Bradley K. Kavanaugh  
Bradley K. Kavanaugh  
Assistant United States Attorney  
Narcotics & Violent Crimes Unit  
Western District of Missouri